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FACEBOOK, INC.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC., a Cayman Island
17 corporation; STEVE VACHANI, an individual;
DOE 1, d/b/a POWER.COM, DOES 2-25,
18 inclusive,

19 Defendants.
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Case No. 5:08-cv-05780 LHK

**DECLARATION OF ROBERT L.
URIARTE IN SUPPORT OF
UNOPPOSED MOTION TO CHANGE
DATE OF CASE MANAGEMENT
CONFERENCE PURSUANT TO CIVIL
LOCAL RULE 6-2**

Date: January 25, 2017
Time: 2:00 p.m.
Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor

1 I, Robert L. Uriarte, declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 for Facebook, Inc. ("Facebook"). I am an active member in good standing of the California State
4 Bar and am admitted to appear before this Court. I have personal knowledge of the facts set forth
5 in this declaration and I could and would testify competently to them if called as a witness.

6 2. On January 9, 2017, the Court granted defendants' request to reschedule the
7 forthcoming Case Management Conference in this matter to January 25, 2017. Lead counsel for
8 Facebook Neel Chatterjee has a longstanding scheduling conflict that requires him to be in New
9 York on January 25, 2017. Accordingly, Facebook reached out to defendants to request a
10 stipulation to reschedule the Case Management Conference for either February 1, 2017 or
11 February 15, 2017.

12 3. Defendant Steve Vachani agreed to join Facebook's request to reschedule the Case
13 Management Conference and expressed his preference for February 15, 2017, a date on which
14 Mr. Vachani will already be in California. Defendant Power Ventures, Inc., through counsel
15 Amy Sommer Anderson, also agreed to join Facebook's proposed rescheduling request on behalf
16 of Power Ventures, Inc. and expressed her preference for February 15, 2017 as well.

17 4. Facebook sent defendants a proposed form of stipulation on January 19, 2017.
18 Defendant Vachani gave written concurrence to the filing of Facebook's proposed stipulation on
19 January 20, 2017.

20 5. As of the time of this filing, Facebook has been unable to obtain Ms. Anderson's
21 concurrence to the filing of Facebook's proposed stipulation. Several email and voicemail
22 messages to Ms. Anderson have not been returned.

23 6. Facebook anticipates that the Court and the parties will discuss several important
24 issues at the Case Management Conference including *inter alia* the impact of the Ninth Circuit's
25 mandate, whether the Court should issue a revised Judgment and Permanent Injunction in the
26 form set forth in Facebook's Case Management Statement, the amount of damages and sanctions
27 owed by Defendants, and scheduling of further proceedings in this action. Accordingly,
28 Facebook will suffer substantial prejudice if the Case Management Conference moves forward in

1 the absence of its lead counsel, Mr. Chatterjee.

2 7. Facebook respectfully submits that given the procedural posture of this matter,
3 continuance of the Case Management Conference to February 15, 2017 would have no material
4 impact on the schedule of this case.

5 8. Pursuant to Civil Local Rule 6-3(a)(5), Facebook identifies the following time
6 modifications that have occurred in this case:

- 7 • ECF No. 28: Scheduling Order Pursuant to Stipulation continuing an April 17,
8 2009 Case Management Conference
- 9 • ECF No. 34: Clerks Notice resetting the time for a May 8, 2009 motion hearing
- 10 • ECF No. 48: Stipulation and order to extend time to respond to Defendants
11 Counterclaims
- 12 • ECF Nos. 76 & 77: Orders re-noticing motion hearings and setting deadlines
- 13 • ECF No. 91: Clerks Notice continuing Case Management Conference
- 14 • ECF No. 92: Scheduling Order vacating Case Management Conference and setting
15 new case management deadlines
- 16 • ECF No. 116: Order granting motion to continue
- 17 • ECF No. 137: Stipulation and Order re: discovery deadlines
- 18 • ECF No. 163: Stipulation and Order re: discovery deadlines
- 19 • ECF No. 181: Order approving stipulation as modified re: briefing deadlines
- 20 • ECF No. 285: Stipulation and order extending time to file supplemental briefs re:
21 summary judgment
- 22 • ECF No. 287: Stipulation and order extending time to file supplemental briefs re:
23 summary judgment
- 24 • ECF No. 331: Amended Clerk's notice advancing Case Management Conference
- 25 • ECF No. 406: Order granting motion to continue Case Management Conference
- 26 • Ninth Circuit Case No. 13-17102, ECF No. 17, Order granting streamlined request
27 for extension of time
- 28 • Ninth Circuit Case No. 13-17102, ECF No. 28, Order granting streamlined request

1 for extension of time

- 2 • Ninth Circuit Case No. 13-17102, ECF No. 39, Order granting streamlined request
3 for extension of time

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5 I declare under penalty of perjury that the foregoing facts are true and correct. Executed
6 this 20th day of January, 2017 at Menlo Park, California.

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8 /s/ Robert L. Uriarte
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